

REMARKS

This Preliminary Amendment is filed in order to facilitate processing of the above-identified application and is filed in response to the Office Action dated April 28, 2004 in which the Examiner stated that claims 19-26 are allowed and rejected claims 31-42 under 35 U.S.C. §103.

As indicated above, claims 1, 35, 39 and 41 have been amended for stylistic reasons. The amendment is unrelated to a statutory requirement for patentability and does not narrow the literal scope of the claims.

Claims 31, 35, 39 and 41 claim a photographic apparatus having (a) recording section(s) and a controller. The recording section is capable of recording both moving pictures and still pictures on a same recording medium. The controller controls the photographic apparatus, which is operated by a voluntary operation of an operator, to selectively carry out a plurality of shooting and reproducing modes. The shooting mode includes a mode in which the moving picture is recording on the recording medium and a mode in which the picture to be reproduced as the still picture is recorded on the recording medium. The reproducing modes include a mode in which the moving picture recorded on the recording medium is produced, a mode in which the picture recorded on the recording medium so as to be reproduced as a still picture is reproduce and a mode in which the still picture is reproduced out of the moving picture which is recorded on the recording medium to be reproduced as the moving picture.

Through the structure of the claimed invention having a recording section which records both moving pictures and still pictures on a same recording medium, as claimed in claims 31, 35, 39 and 41, the claimed invention provides a

photographing apparatus functioning both as a still camera and a video camera in which entries to a database can be easily retrieved. The prior art does not show, teach or suggest the invention as claimed in claims 31, 35, 39 and 41.

Claims 31-42 were rejected under 35 U.S.C. § 103 as being unpatentable over *Ootsuka* (U.S. Patent No. 5,774,754) in view of *Yoshimura et al.* (U.S. Patent No. 5,761,369).

Ootsuka appears to disclose an electronic information recorder 50 disposed in such a position in the lower part of the camera main body 20 as not to hinder a camera operation. The recorder 50 is formed with a mounting portion 50a in which an IC card 51 as an electric memory for electrically recording the still pictures stored in the frame memory of the camera main body 20 is mountable and an unillustrated mounting portion in which a magnetic recording medium 52 such as a magnetic tape or magnetic optical disk which enables the recording of motion images is mountable, and is provided internally with a tape feeding mechanism. (Col. 5, lines 57-67)

Indicated at 39 is a recording start switch which is operated when the motion images are recorded. Indicated at 40 is a photographing mode changeover switch which is operated to change a combination of three photographing modes: a film image photographing mode in which still images are recorded on a photosensitive film, an electronic still image photographing mode in which still images are recorded on the IC card 51 and a motion image photographing mode for recording motion images on the magnetic recording medium 52. (Col. 6, lines 27-36)

Thus, *Ootsuka* merely discloses an IC card 51 for recording still pictures, a magnetic recording medium 52 for recording motion images and a photosensitive film for photographing still images. Nothing in *Ootsuka* shows, teaches or suggests

the same recording medium recording both moving pictures and still pictures as claimed in claims 31, 35, 39 and 41. Rather, *Ootsuka* clearly discloses recording still images on a photosensitive film, recording electronically still images on an IC card 51 and recording motion images on a magnetic recording medium 52 (column 5, lines 57-67, column 6, lines 27-36).

Yoshimura et al. appears to disclose a video system which is capable of looking up at a high speed a video signal recorded on a recording medium having a large capacity. (Col. 1, lines 15-17) The records on the magnetic tape are reproduced at a high speed. One field video signal portion of a representative image plane representing each image program recorded on the magnetic tape and an index signal, a time code, etc. corresponding to the representative image plane are then recorded on a still video disc. In confirming a part of the video tape in which a desired image is recorded, either the record contents of the still video disc are serially displayed on the display device 16 or data for a plurality of programs is displayed on the display device 16 all in one image plane. The embodiment thus permits confirmation of the outline of the contents of a plurality of programs recorded on the video tape. (Col. 4, lines 2-14) As reflected in the recently published S-VHS standards, the picture quality of the images recorded on the video tapes have been saliently improved. One field portion of an image signal which is a part of a motion picture can be adequately recorded or reproduced as a still picture. Therefore, the system described in the foregoing is extremely convenient as means for finding the contents of a motion picture. (Col. 6, lines 36-42) FIG. 7 is a block diagram showing the arrangement of a still video recording and reproducing device for storing, on a still video disc, information required for control over the reproducing operation of a

VTR. Referring to FIG. 7, a VTR 110 is arranged to reproduce motion image (and sounds) information from a magnetic tape 112. A still video recording and reproducing device 114 which is arranged to record on a still video disc 116 a still image and ID information thereon and to reproduce the record from the disc 116. A reference numeral 118 denotes a monitor. The VTR 110 transfers to the still video recording and reproducing device 114 the motion image information (with sound information) and time information corresponding to the motion image information (such as a timing code indicating a record position, a recording length of time, etc.). Conversely, the still video recording and reproducing device 114 transfers to the VTR 110 a control signal for controlling the operation of the latter. A video signal which is reproduced (with an audio signal) from the video tape 112 is applied as desired to the monitor 118. (Col. 7, lines 38-58) FIG. 8 shows further details of the arrangement of FIG. 7. (Col. 7, lines 66-67) In the still video recording and reproducing device 114, a system controller 132 is arranged to perform overall control over each part and to exchange signals between the system controller 126 of the VTR 110. (Col. 8, lines 15-18) In the normal reproduction mode of the VTR 110, the output of the video signal processing circuit 128 of the VTR is applied via the switch 152 and the signal processing circuit 154 to the monitor 118. Then, among images, etc. confirmed by means of the monitor 118, one series of information parts considered necessary are handled as one program. The program thus obtained is recorded on the disc 116 after it is processed into information required for reproduction control. This reproduction control information includes time information on the starting and ending points of one program and some representative image

plane that clearly indicates the contents of the program, such as the image plane of the first field. (Col. 8, lines 42-54)

Thus, *Yoshimura et al.* merely discloses that an image signal which is part of a motion picture can be adequately recorded or reproduced as a still picture (column 6, lines 36-41). Nothing in *Yoshimura et al.* shows, teaches or suggests recording both motion pictures and still pictures on a same recording medium as claimed in claims 31, 35, 39 and 41. Rather, *Yoshimura et al.* merely discloses that part of a motion picture can be adequately recorded or reproduced as a still picture.

Additionally, *Yoshimura et al.* merely discloses a still video disk which stores information required for control over a video tape recorder (VTR). Nothing in *Yoshimura et al.* shows, teaches or suggests recording both moving pictures and still pictures on a same recording medium as claimed in claims 31, 35, 39 and 41. Rather, *Yoshimura et al.* merely discloses storing information on a still video disk for control over reproducing operation of a VTR (column 7, lines 38-42).

Finally, *Yoshimura et al.* merely discloses VTR 110 reproduces motion images and sound information from a magnetic tape 112 and a still video recording and reproducing device 14 records a still image on a still video disk 116 as well as ID information. Nothing in *Yoshimura et al.* shows, teaches or suggests recording both a moving picture and a still picture on the same recording medium as claimed in claims 31, 35, 39 and 41. Rather, *Yoshimura et al.* merely discloses at column 7, lines 41-47, recording a still image on the still video disk 116 from the motion image from the VTR 110 reproduced from the magnetic tape 112. In other words, *Yoshimura et al.* merely discloses transferring information about a moving picture recorded on a magnetic tape 112 (i.e. transferring any one screen or field extracted

from the moving picture) onto the video disk 116 as a still image. Applicants respectfully submit that the still image which is recorded on the still video disk 116 from the magnetic tape 112 does not involve recording both moving and still pictures on the same recording medium as claimed in claims 31, 35, 39 and 41.

A combination of *Ootsuka* and *Yoshimura et al.* would merely suggest that in order to reproduce the information from the magnetic recording medium 52 of *Ootsuka* to use the method and apparatus of *Yoshimura et al.* to transfer one image from the magnetic recording medium as a still image to the video disk 116 of *Yoshimura et al.* Thus, nothing in the combination of *Ootsuka* and *Yoshimura et al.* shows, teaches or suggests recording both a moving picture and a still picture on the same recording medium as claimed in claims 31, 35, 39 and 41. Therefore, applicants respectfully request the Examiner withdraws the rejection to claims 31, 35, 39 and 41 under 35 U.S.C. §103.

Claims 32-34, 36-38, 40 and 42 depend from claims 31, 35, 39 and 41 and recite additional features. It is respectfully submitted the claims 32-34, 36-38 40 and 42 would not have been obvious within the meaning 35 U.S.C. § 103 over *Ootsuka* and *Yoshimura et al.* at least for the reasons as set forth above. Therefore, it is respectfully requested that the Examiner withdraws the rejection to claims 32-34, 36-38, 40 and 42 under 35 U.S.C. § 103.

Thus it now appears that the application is in condition for reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested.

If for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is respectfully requested to contact, by telephone, the

applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed within the currently set shortened statutory period, applicants respectfully petition for an appropriate extension of time. The fees for such extension of time may be charged to our Deposit Account No. 02-4800.

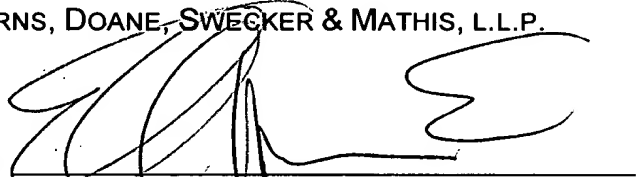
In the event that any additional fees are due with this paper, please charge our Deposit Account No. 02-4800.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: October 27, 2004

By:



Ellen Marcie Emas
Registration No. 32,131

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620